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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/648,103  | 08/26/2003  | Mark D. Schoenhals   | 15010-01010                   | 3164                   |
| 32054   | 7590        | 12/21/2007           |                               |                        |
| Tina M. Lessani<br>Lessani & Lessani LLP<br>163 Cypress Point Road<br>Half Bay Moon, CA 94019 |             |                      | EXAMINER<br>BESROUR, SAOUSSEN |                        |
|   |             |                      | ART UNIT<br>2131              | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/648,103

Applicant(s)

SCHOENHALS, MARK D.

Examiner

Saoussen Besrou

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) s 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are s 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31 and 33-36.

### **DETAILED ACTION**

1. This action is in response to amendment filed 10/1/2007. Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 were amended. Claims 8-13, 16, 18, 28-30 and 32 were cancelled. New claims 33-36 were added. Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31 and 33-36 are pending.

Applicant's arguments/ amendments with respect to the claims have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

### ***Claim Rejections - 35 USC § 112***

2. Correction to the claims have been received, thus previous 112, 2nd rejection has been withdrawn. However new 112, 2nd rejection follows.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 5** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 5, the use of the word "may" renders the claim indefinite since it is not sure whether the step occurs or not.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31 and 33-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutton (2006/0200832) in view of Graham (20050038893).

As per **claim 1 and 19**, Dutton discloses: for each user that accesses the website transmitting a unique ID, where the unique ID is unique to the user's web browser, and the where the unique ID is generated without obtaining information that identifies the user personally (0023-0033); storing a record of the unique IDs (0023-0033). Dutton does not explicitly teach: transmitting a webpage to the user that visibly displays a unique ID; in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user; and correlating the user's call to the customer service agent with the user's use of the website using the user's unique

ID. However, Graham discloses: transmitting a webpage to the user that visibly displays a unique ID (0030-0031); in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user; and correlating the user's call to the customer service agent with the user's use of the website using the user's unique ID (0004, 0009-0010). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Graham in conjunction with the teachings of Dutton for the benefit of creating consumer profile for relevance of offer (0015).

As per **claim 23**, Dutton discloses: a web server for the website that transmits a unique ID to each user that accesses the website, where, for each user, the unique ID is unique to the user's web browser, and unique ID is generated without obtaining information that identifies the user personally (0023-0033); a first database for storing records of the unique IDs of eth website (0023-0033). Dutton does not explicitly teach transmitting a webpage to the user that visibly displays a unique ID; a phone for enabling users to communicate with a customer service agent; a second database that stores unique ID of each user that submits a unique ID to a customer service agent; and an analyzer that correlates users' calls to customer service agent with users's use of the websites by correlating records in the first and second databases associated with matching unique IDs. However, Graham discloses: transmitting a webpage to the user that visibly displays a unique ID (0030-0031); a phone for enabling users to communicate with a customer service agent (0004, 0009-0010); a second database that

stores unique ID of each user that submits a unique ID to a customer service agent; and an analyzer that correlates users' calls to customer service agent with users' use of the websites by correlating records in the first and second databases associated with matching unique IDs (0004, 0009-0010). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Graham in conjunction with the teachings of Dutton for the benefit of creating consumer profile for relevance of offer (0015).

As per **claim 2**, rejected as applied to claim 1. Furthermore, Dutton discloses: storing information related to a user's use of the website in association with the unique ID displayed to the user (0021-0022, 0023-033).

As per **claim 3**, rejected as applied to claim 2. Furthermore, Graham discloses: storing, in association with the user's unique ID, information related to the customer service agent's interaction with the user (0004).

As per **claim 4**, rejected as applied to claim 1. Furthermore, Graham discloses: determining, using the unique IDs, the number of users that called a customer service agent that also accessed the website (0009-0010).

As per **claim 5, 20, 24 and 27**, rejected as applied to claim 1 19, 23 and 25. Furthermore, Graham discloses: using the user's unique ID to correlate any product sale purchases made by the user through the customer service agent with information about the user's use of the website (0004).

As per **claim 6, 21 and 25**, rejected as applied to claim 1, 19 and 23.

Furthermore, Graham discloses: in response to the user clicking on an online advertisement to reach the website, storing information about the advertisement in association with the unique ID displayed to the user (0004, 0009, 0014, 0031).

As per **claim 7, 22 and 26**, rejected as applied to claim 6, 21 and 25.

Furthermore, Graham discloses: using the unique ID displayed to the user and the stored information about the advertisement to correlate the advertisement with any product sales to the user through the customer service agent (0004, 0009, 0014, 0031).

As per **claim 14 and 31**, rejected as applied to claim 1 and 23. Furthermore, Dutton disclose: the webpage supports an internet chat service (0021).

As per **claim 15**, rejected as applied to claim 1. Furthermore, Dutton discloses: for each user that access the website, determining whether the user's web browser has a cookie from the website with a unique ID (0023-0033); if the web browser has a cookie from the website with a unique ID, retrieving the unique ID from eth cookie and transmitting a webpage with the retrieved unique ID to the user (0023-0033); and if the web browser does not have a cookie from the website with a unique ID, generating a unique ID , adding the generated unique ID to the record of unique IDs, and transmitting the unique ID to the user in a webpage (0023-0033).

As per **claim 17**, rejected as applied to claim 1. Furthermore, Graham discloses: for each user, generating a unique If for the user (0043); determining whether the user's web browser has a cookie with another unique IDS from eth website (0043); in response to the user's web browser having a cookie with another unique ID from the



website, recording an association between the newly generated unique ID and the unique ID in the cookie (0043); and transmitting the newly generated unique ID to the user in a webpage (0043).

As per **claims 33 and 35**, rejected as applied to claims 1 and 19. Furthermore, Graham discloses: wherein the customer service agent is a live person (0004).

As per **claims 34 and 26**, rejected as applied to claim 1 and 19. Furthermore, Graham discloses: that service agent is an automated agent (0004).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
December 17, 2007

  
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